

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT  
DALLAS DIVISION**

**GOLDA SAM LOWURE,**

**Plaintiff**

**v.**

**MIDWEST LOGISTICS SYSTEMS, LTD.  
and JERRELL M. ELLIS**

**Defendants.**

§  
§  
§  
§  
§  
§  
§  
§

**C.A. NO. \_\_\_\_\_**

---

**DEFENDANTS' NOTICE OF REMOVAL**

---

COMES NOW, Defendants, Midwest Logistics Systems, Ltd. and Jerrell M. Ellis (collectively the “Defendants”), and move to remove this action filed under Cause No. DC-19-00979 in the 162nd Judicial District Court in Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas division, pursuant to 28 U.S.C. § 1441 *et seq.*

**I. BACKGROUND**

1. This case arises out of an 18-wheeler accident which occurred on October 5, 2018 in Farmers Branch, Texas. At about 5:04 a.m., Golda Sam Lowure (“Plaintiff”) Plaintiff was a passenger in a vehicle driven by Rolph Celino Batsinga Bapelo (“Bapelo”), who was driving west bound 1800 IH 635 in the right center lane. Defendant Jerrell M. Ellis was driving a tractor-trailer under the DOT authority of Midwest Logistics Systems, Ltd. He was also traveling west bound 1800 IH 635 in the left lane at normal highway speed. Due to adverse weather conditions, Ellis lost control of his vehicle which became disabled in the roadway. According to the police report, Bapelo was driving under the influence. Bapelo

failed to take appropriate evasive action and collided with Ellis' trailer. As a result of the collision, Plaintiff was transported to the hospital with serious injuries.

2. On January 18, 2019, Plaintiff filed a lawsuit against Defendants in the 162nd District Court for Dallas, Texas styled *Golda Sam Lowure v. Midwest Logistics Systems, Ltd. and Jerrell M. Ellis*, as cause number DC-19-00979. (Attached as Exhibit A).
3. Plaintiff was a resident of Texas at the time of the accident. (Exhibit A at paragraph 3.1). Defendant Midwest Logistics Systems, Ltd. is a Ohio Limited Liability Company with its principal place of business in Celina, Ohio. The sole member of Midwest Logistics, LLC. Is DEE Holdings, Inc. which is an Ohio corporation with its principal place of business in Celina, Ohio. Defendant Jarrell Ellis is a resident of Little Rock, Arkansas. (Exhibit A at paragraph 3).
4. In his Original Petition, Plaintiff alleges damages of over \$1,000,000.00. (Exhibit A at paragraph 2.1).

## **II. REMOVAL JURISDICTION - DIVERSITY**

5. This action is a civil action in which the Court has original jurisdiction under 28 U.S.C. § 1332 and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441, *et seq.* There is complete diversity of citizenship as the parties are citizens of different states. Thus, removal is proper pursuant to 28 U.S.C. 1332(a)(1).
6. Plaintiff's Original Petition alleges an amount in controversy of over \$1,000,000.00 which exceeds \$75,000.00, and thus, confers removal jurisdiction.

## **III. PROCEDURAL MATTERS**

7. The Defendants have filed Notice of Removal within 30 days of service of Plaintiff's

Original Petition.

8. No Defendant is a citizen of the state of Texas.
9. All Defendants consent to the removal of this case.
10. Upon filing this Notice of Removal, the Defendants will provide written notification to Plaintiffs and will file notification of removal attaching a copy of this Notice of Removal with the clerk of the court for Dallas County, Texas (attached hereto as Exhibit B).
11. The 162<sup>nd</sup> Judicial District Court of Dallas County, Texas is located in the Northern District of Texas, Dallas Division.
12. Venue is proper in this Court.
13. Copies of state court docket sheets and each document filed in the state action, including process, pleadings and orders are being filed with this Notice (attached hereto as Exhibit A - A-3).

WHEREFORE, Defendants remove this action to this Court.

Respectfully submitted,

/s/ Frank G. Cawley

FRANK G. CAWLEY

State Bar No. 24006978

[fcawley@whitehurstlaw.com](mailto:fcawley@whitehurstlaw.com)

THOMAS S. HOWERY

State Bar No. 24075399

[mwhite@whitehurstlaw.com](mailto:mwhite@whitehurstlaw.com)

WHITEHURST & CAWLEY, L.L.P.

16300 Addison Road, Suite 100

Addison, Texas 75001

(972) 503-5455 Telephone

(972) 503-6155 Facsimile

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was forwarded to all counsel of record via certified mail pursuant to the Rule 5 of the Federal Rules of Civil Procedure on the 29th day of March 2019.

Frank W. Robertson  
Jim S. Adler & Associates  
12605 East Freeway, Suite 400  
Houston, Texas 77015  
Attorney for Plaintiff

/s/ Frank G. Cawley

FRANK G. CAWLEY